

**Notice of Allowability**

Application No.

10/500,925

Applicant(s)

KAWATA ET AL.

Examiner

Jason M. Nolan, Ph.D.

Art Unit

1626

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 6/23/2006.
2. ☒ The allowed claim(s) is/are 1-17.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date 3-17-06
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

### **DETAILED ACTION**

**Claims 1-18** are currently pending in the instant application: of which, **Claims 1-2, 4, 9, and 16** are amended and **Claim 18** is new.

#### ***Information Disclosure Statement***

Applicants' information disclosure statement (IDS), filed on March 17, 2006 has been considered. Please refer to Applicants' copy of the 1449 submitted herein.

#### ***Response to Amendments & Arguments***

The amendments and arguments of applicants' (see Amendment to Non-Final Rejection, filed June 23, 2006) with respect to the rejections of **Claims 1-17** have been fully considered and are persuasive. The rejections to **Claims 1-17** are withdrawn per these amendments and arguments.

#### ***Examiner's Amendment***

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR § 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Leana Levin on July 31, 2006.

The application has been amended as follows:

1. In **Claim 1**, at the end, after "alkylthio" and before the period, insert - - ; and further comprising an insecticidal carrier, an insecticidal spreader, an insecticidal

Art Unit: 1626

emulsifier, an insecticidal wetting agent, an insecticidal dispersing agent or an insecticidal disintegrator. - -

2. Delete **Claim 18**.

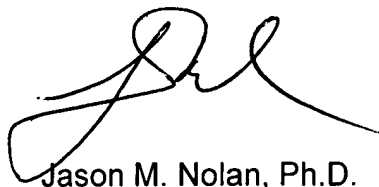
***Statement of Reasons for Allowance***

The present invention pertains to the insecticides according to formula I: **Claims 1-8**, and the hydrazone derivatives of formula II: **Claims 9-17**. The hydrazone derivatives of formula II are compounds that are free of the prior art; nothing known in the art anticipates or renders the compounds of the instant application obvious. The insecticides of **Claims 1-8** are compositions containing as the active ingredient a compound according to formula I. There are compounds in the prior art that teach formula I (see Bel'skaya in previous office action), including all of the limitations of variables **A, Q, W, Z, Y, X<sup>1</sup>**, and **X<sup>2</sup>**; however, nothing in the prior art teaches or suggests using this class of compounds in insecticidal compositions and, therefore, the instantly claimed invention is a non-obvious improvement over the prior art.

Art Unit: 1626

***Telephone Inquiry***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Jason M. Nolan, Ph.D.** whose telephone number is **(571) 272-4356** and electronic mail is **Jason.Nolan@uspto.gov**. The examiner can normally be reached on Mon - Fri (9:00 - 5:30PM). If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Joseph M<sup>c</sup>Kane** can be reached on **(571) 272-0699**. The fax phone number for the organization where this application or proceeding is assigned is **571-273-8300**. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jason M. Nolan, Ph.D.  
Examiner  
Art Unit 1626



Joseph K. M<sup>c</sup>Kane  
Supervisory Patent Examiner  
Art Unit 1626  
Date: August 1, 2006